

ESTTA Tracking number: **ESTTA510914**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202493
Party	Defendant Adam Swan
Correspondence Address	JAMES P DUGGAN 50 CONGRESS STREET, SUITE 525 BOSTON, MA 02109 UNITED STATES adam.swan@state.ma.us
Submission	Other Motions/Papers
Filer's Name	James P. Duggan
Filer's e-mail	jpduggan01@yahoo.com
Signature	/s/ James P. Duggan
Date	12/14/2012
Attachments	doc00548220121213134623.pdf (5 pages)(963029 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application
Serial No. 77/949,907 for the mark BABY GAGA

ATE MY HEART INC.,)	
Opposer,)	
)	
)	Opposition No: 91202493
-against-)	
)	
)	
ADAM SWAN,)	
Applicant.)	
)	

ADAM SWAN'S MOTION TO FILE EXHIBIT IN SUPPORT
OF HIS OPPOSITION TO ATE MY HEART INC.'S
MOTION FOR SUMMARY JUDGMENT

Now comes the Applicant, Adam Swan, who hereby moves that
the attached Exhibit:

Certificate of Registration of a Claim to Copyright,
SR54-401, title of work, Radio Gaga/I Go Crazy;

be made a part of his Opposition to Ate My Heart Inc.'s
Motion for Summary Judgment.

Respectfully submitted,
Adam Swan
By his attorney,

/s/ James P. Duggan
James P. Duggan
50 Congress Street
Suite 525
Boston, MA 02109
617-523-7222
BBO # 137500

CERTIFICATE OF SERVICE

I, James P. Duggan, hereby certify that on this 13th day of December, 2012, I served a copy of the foregoing Motion to File Exhibit, by e-mail and first class mail, upon Muzamil A. Huq, Esq., Pryor Cashman LLP, 7 Times Square, New York, NY 10036-6569.

/s/ James P. Duggan
James P. Duggan

Additional Certificate of Registration of a Claim to Copyright

This is to certify that the statements set forth
in the attached have been made a part of the
records of the Copyright Office with claim
of copyright registered under number

In testimony whereof, the seal of this office
is affixed hereto on



SR 54-401

December 7, 2012

Maria A. Pallante

Register of Copyrights and
Associate Librarian for Copyright Services

C-731 • 06/2011—10,000

REGISTRATION NUMBER

SR

54-401

SR

SRU

EFFECTIVE DATE OF REGISTRATION

JUN 19 1984

Month

Day

Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM SR/CON)

1

Title

TITLE OF THIS WORK:

Radio Ga-Ga/I Go Crazy as recorded by Queen

Catalog number of sound recording, if any: 5317

PREVIOUS OR ALTERNATIVE TITLES:

NATURE OF MATERIAL RECORDED:
(Check Which)☒ Musical☐ Musical-Dramatic☐ Dramatic☐ Literary☐ Other

IMPORTANT:

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part of this work was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates blank.

NAME OF AUTHOR:

Raincloud Productions Ltd.

Was this author's contribution to the work a "work made for hire"? Yes ☒ No

DATES OF BIRTH AND DEATH:

Born

Died

(Year)

(Year)

AUTHOR'S NATIONALITY OR DOMICILE:

Citizen of

(Name of Country)

or

Domiciled in

England

(Name of Country)

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:

Anonymous? Yes

No ☒

Pseudonymous? Yes

No ☒

If the answer to either of these questions is "Yes," see detailed instructions attached.

AUTHOR OF: (Briefly describe nature of this author's contribution)

Performance, Sound Recording

NAME OF AUTHOR:

Was this author's contribution to the work a "work made for hire"? Yes No

DATES OF BIRTH AND DEATH:

Born

Died

(Year)

(Year)

AUTHOR'S NATIONALITY OR DOMICILE:

Citizen of

(Name of Country)

or

Domiciled in

(Name of Country)

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:

Anonymous? Yes

No

Pseudonymous? Yes

No

If the answer to either of these questions is "Yes," see detailed instructions attached.

AUTHOR OF: (Briefly describe nature of this author's contribution)

NAME OF AUTHOR:

Was this author's contribution to the work a "work made for hire"? Yes No

DATES OF BIRTH AND DEATH:

Born

Died

(Year)

(Year)

AUTHOR'S NATIONALITY OR DOMICILE:

Citizen of

(Name of Country)

or

Domiciled in

(Name of Country)

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:

Anonymous? Yes

No

Pseudonymous? Yes

No

If the answer to either of these questions is "Yes," see detailed instructions attached.

AUTHOR OF: (Briefly describe nature of this author's contribution)

3

Creation
and
Publication

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED:

Year 1984

(This information must be given in all cases.)

DATE AND NATION OF FIRST PUBLICATION:

Date 2-3-84

(Month)

(Day)

(Year)

Nation USA

(Name of Country)

(Complete this block ONLY if this work has been published.)

4

Claimant(s)

NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):

Raincloud Productions, Ltd.

46 Pembridge Rd.

London W11, England

TRANSFER: (If the copyright claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.)

06-19-84 0015



417100155

SR

54-401

CHECKED BY: *YH*

19 JUN 1984

CORRESPONDENCE:

☐ Yes

DEPOSIT RECEIVED:

19 JUN 1984

19 JUN 1984

DEPOSIT ACCOUNT
FUNDS USED:☒

REMITTANCE NUMBER AND DATE:

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED ADDITIONAL SPACE, USE CONTINUATION SHEET (FORM SR/CON)

PREVIOUS REGISTRATION:

5

Previous
Registration

- Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes No **X**
- If your answer is "Yes," why is another registration being sought? (Check appropriate box)
 - ☐ This is the first published edition of a work previously registered in unpublished form.
 - ☐ This is the first application submitted by this author as copyright claimant.
 - ☐ This is a changed version of the work, as shown by line 6 of the application.
- If your answer is "Yes," give: Previous Registration Number Year of Registration

COMPILATION OR DERIVATIVE WORK: (See instructions)

6

Compilation
or
Derivative
Work

PREEXISTING MATERIAL: (Identify any preexisting work or works that the work is based on or incorporates.)

MATERIAL ADDED TO THIS WORK: (Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.)

DEPOSIT ACCOUNT: (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name: **Capitol Records, Inc.**Account Number: **DA024902**

CORRESPONDENCE: (Give name and address to which correspondence about this application should be sent.)

Name: **Carole Haney**Address: **1750 North Vine Street****Hollywood, California****90028**

7

Fee and
Correspondence

CERTIFICATION: I, the undersigned, hereby certify that I am the: (Check one)

☒ Author ☐ Other copyright claimant ☐ Owner of exclusive right(s) ☒ Authorized agent of: **Reinhold Productions, Ltd.**
(Name of author or other copyright claimant, or owner of exclusive right(s))
of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Handwritten signature: (X)

Typed or printed name: **Carole Haney**Date: **6-5-84**

8

Certification
(Application must be signed)

Capitol Records, Inc., Attn: Carole Haney

(Name)

1750 North Vine Street

(Number, Street and Apartment Number)

Hollywood, California

(City)

(State)

90028

(ZIP code)

MAIL
CERTIFICATE
TO(Certificate will
be mailed in
window envelope)

9

Address
For Return
of
Certificate